REMARKS

This amendment is responsive to the Final Office Action mailed on October 17, 2007 setting a three month shortened statutory period for response which expired on January 17, 2008. A petition and fee authorization for a one-month extension of time accompanies this amendment so as to reset the period for response so as to expire on February 17, 2008. Claims 19-23 and 28-38 are pending in the application. Claims 19 and 28 have been amended. A Request for Continued Examination accompanies this amendment.

The claim amendments have been made to clarify that Applicant's invention involves two queues that are each filled by patrons or customers. Thus the claimed first and second queues are separate, real and physical. Because it only became apparent in the Final Office Action, that the distinction between a virtual queue and a real queue was not clear to the examiner and thus necessary to present, the amendment could not have earlier been presented. Moreover, the above amendments to claims 19 and 28 places these claims in better condition for consideration on appeal and do not raise any issues that require additional search. Entry of the amendment is respectfully requested. Reconsideration of the rejections set forth in the Final Office Action is respectfully requested.

Claim Rejection - 35 U.S.C. § 102

Claims 19, 20, 22, 28-30 and 38 stand rejected as anticipated by Waytena et al. The examiner asserts that Waytena et al teach establishing a first and second queue, but as correctly recognized by the examiner Waytena et al teach:

-establishing a physical queue by which one or more patrons may access the attraction in a first in first out order (see, C3 L56-57 and Figure 2 element "physical queue");

-establishing a virtual queue by which one or more patrons may access the attraction in a manner which avoids the first queue (see; C3 L50, C3 L11-12);

Hence, Waytena et al does not teach or suggest that the second queue is filled with patrons as set forth in amended claim 19 or filled with customers as set forth in amended claim

28. It appears, in fact, that the very purpose of the virtual queue is to prevent the formation of a second physical queue. Preventing a second queue is theoretically possible by reserving capacity such that the reserved capacity is filled by customers holding reservations. However, the present invention recognizes that in practice the reservation systems do not achieve this theoretical possibility and attempting to achieve the theoretical advantages of Waytena require a significant overhead and result in less efficient resource utilization than if a second physical queue is formed and patrons/customers are given scheduled times to return to that second queue. Thus, Applicants claim a system in which two physical queues are utilized where one of the queues is filled by giving patrons/customers return times.

The Office Action further asserts that Waytena et al discloses:

> - transmitting to the patron a response that includes available return times to the attraction, the available return times being derived from an available time to enter the attraction via the second queue determined by the computer (e.g. C3 L15-20);
>
> - receiving a selection of a return time from the available return times, the selection being made by the patron in response to the transmitted available return times to the attraction (e.g. C3 L20-27);

This characterization of Waytena is NOT what Applicants claim in either independent claim 19 or claim 28. These passages used to reject Applicants' claims do not accurately quote or paraphrase the explicit language of claims 19 and 28, and the differences subtly bias the analysis at hand. Claims 19 and 28 do not call for "available return times" or a patron "selection" of a return time from the available return times. It is acknowledged that some implementations described in the specification involve such features, but the claims currently under consideration do not include such limitations. The use of the term "available time" attempts to cast the claimed invention as a reservation system which it is not.

One of the unique features of Applicants' claimed method is the fact that additional patrons may receive the SAME return time indication. Applicants' method does not constitute a **reservation** system, which is what Waytena discloses and teaches. In contrast to the examiner's

assertion, the patron, as Applicants claim, simply accesses the second queue, potentially along with others at the same time that was indicated as the at least one return time. Other customers may also be provided with **the** return time. This same return time provided to plural customers is a feature that simply is not disclosed by Waytena. In Waytena, "if other patrons request reservations at the same attraction, they will not be given proposed reservation times that conflict with the first patron's proposed reservation time." Col. 20, lines 44-47. Accordingly, Waytena explicitly teaches against the limitations of claim 19 and claim 28. Waytena is clearly a reservation system. Applicant's methodology is NOT a reservation system.

Applicants' claim 19 states:

> receiving from a patron a priority request for an allocation of a return time, the priority request being received at a computer that determines a number of patrons allowed to enter the attraction;
>
> transmitting to the patron a response that includes **at least one return time** to the second queue, the return time being dynamically determined by the computer from a plurality of factors such that **other patrons may also be provided with the return time** to the second queue; and
>
> permitting the patron to access the attraction via the second queue at a time indicated by the return time. (emphasis added)

Significantly, the return time is the at least one return time, and specifically other patrons may also be provided with the return time.

It is respectfully submitted that neither Waytena nor any of the other cited prior art references, either taken alone or in any combination, disclose or suggest this combination. Accordingly, the rejection under 35 U.S.C. § 102(e) and 102(b) should be withdrawn.

Claim Rejection - 35 USC 103(a)

Claims 21, 23, 33, 34 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Croughwell et al. (U.S. Patent No. 5,966,654). Claims 31 and 32 have been rejected as being unpatentable over Waytena in view of DeLorme et al. (U.S. Patent No. 5,948,040). Finally, Claims 35 and 36 have been rejected under 103(a) as being unpatentable

over Waytena in view of Croughwell in view of DeLorme et al. For at least the following reasons, the examiner's rejections are traversed.

Claims 19 and 28 recite that **the same return time** can be assigned to two patrons or more. Unlike Waytena, **the present application, and its claims, are not directed to a reservation system** in which a time is allotted for each customer. Instead, return times are provided to more than one customer **for the same time**. Thus, multiple customers can return to the attraction at a scheduled time.

Waytena's reservation system, on the other hand, is a system in which a time slot is allocated to a patron so that the patron can access an attraction as soon as the reservation time elapses. This is evident by Waytena's teachings on how to provisionally reserve a slot for a patron. **Waytena does not schedule the same times for multiple patrons** as Applicants claim in independent claims 19 and 28. In actuality, Waytena teaches away from Applicants' approach because Waytena is directed to a pure allocated queue, wherein no patron return time conflicts with another patron's return time. "While the patron in Waytena is deciding whether to confirm or reject the proposed reservation, attraction computer 101 in one embodiment holds the proposed reservation time in the virtual queue 210, so that if other patrons request reservations at the same attraction, they will be not be given proposed reservation times that conflict with the first patron's proposed reservation time. *See* Waytena, Column 20, Lines 41-49.

As such, Waytena allocates a reservation time for a specific slot at which time a patron can access the attraction through a single physical queue. This reservation of time slots is what Waytena refers to as "a virtual queue." The virtual queue is allocated such that a patron fills each slot. "If the patron rejects the reservation or does not confirm it within a predetermined time period, the reservation is removed from the virtual queue and the proposed reservation time is released so that it may be made available to other patrons." *See* Waytena Column 3, Lines 25-27. The reservation times as taught by Waytena are therefore for one return time being allocated to a patron, not multiple patrons.

Accordingly, Waytena **does not teach** providing a return time to a patron such that other patrons may also be provided with the return time to the **second** queue. Likewise, Waytena does not teach a system wherein two customers can access the **second** queue, which is filled by customers or patrons at the same assigned time.

Claims 19 and 28 are neither anticipated nor rendered obvious by Waytena. Claims 20, 21, 22, 23, and 29- 38 all depend from one of Claim 19 or Claim 28. The patents to DeLorme et al and Croughwell et al do not make up for the deficiencies of Waytena. Both of these references deal with reservation methods/systems. Applicants' claimed method IS NOT a reservation method. These references do not suggest a method of managing a queue where more than one patron gets the same later time. Accordingly it is respectfully submitted that the rejections under 35 USC 103 should be withdrawn.

Conclusion

Applicants have complied with all requirements made in the above referenced communication and submit that the claims are in condition for allowance. Accordingly, applicants respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney to resolve such matters.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 058085-010201 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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